

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.:

KENNETH SCHOONMAKER)

Plaintiff,)

Vs.)

JOE C. MIRANDA, LUIS C. ALVES and)
CITY OF BROCKTON)

Defendants.)
_____)

DEFENDANTS' NOTICE OF REMOVAL
OF ACTION FROM STATE COURT

Pursuant to 28 U.S.C. §1441(c) and §1446, the Defendants' petition for removal of this action to the United States District Court for the District of Massachusetts. As grounds therefore, the Defendants' state as follows:

1. On or about September 7, 2021, the Plaintiff filed this suit in the Plymouth County Superior Court, Civil Action No.2183CV00724.
2. On or about October 26, 2021, the Plaintiff's complaint was served upon the Defendant, City of Brockton. Attached as Exhibit A is a copy of the Plaintiff's Complaint, Civil Action Cover Sheet and summons, which was served upon the Defendant, as well as a copy of the Plymouth County Superior Court docket.
3. In the Complaint, the Plaintiff alleges violations of his rights protected by the Constitution of the United States as well as common law tort claims and negligence claims, including claims under M.G.L. c. 258, Massachusetts Tort Claims Act.

4. Because this matter is an action arising under federal law of which this Court has original jurisdiction, namely alleged causes of action under 42 U.S.C. §1983, as authorized by 28 U.S.C. §1331, it is subject to removal under 28 U.S.C. §1441(c).
5. This Notice of Removal is being filed within the time period required by law, 28 U.S.C. §1446(b).

Respectfully submitted,
Defendant, City of Brockton
By its attorneys,

/s/ Erica L Pereira
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Dated: November 12, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent this day to those participants indicated as non-registered participants.

/s/ Erica L. Pereira
Erica L. Pereira, Esq.

Dated: November 8, 2021